

U.S.S.N. 09/453,109
Filed: December 2, 1999
**AMENDMENT AND
RESPONSE TO OFFICE ACTION**

Remarks

Claims 1-46 are pending. Claim 1 has been amended. Reexamination and reconsideration of the application as amended are requested. A marked-up version of the amended claim is attached.

Claim 1 has been amended to specify that the microneedle has a length between 500 μm and 1 mm. The term "about" immediately before "500 μm " in the claim has been deleted.

II. Rejections under 35 U.S.C. §§ 102 and 103

Claims 1-4, 6, 10, 27, 29, 30, 36, and 40 were rejected under 35 U.S.C. § 102(b) as anticipated by JP 07132119A to Yoshihiko ("Yoshihiko"). Claims 1-2, 9-23, 25-28, 31, 32, 35, and 37-46 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,334,856 to Allen et al. ("Allen"). Claims 3-5, 7, 29, 33, and 34 were rejected under 35 U.S.C. § 103 as obvious over Allen in view of Morrison. Claims 3, 6, and 8 were rejected under 35 U.S.C. § 103 as obvious over Allen in view of Rathbone. Claim 24 was rejected under 35 U.S.C. § 103 as obvious over Allen in view of Eppstein. Applicants respectfully traverse the rejections.

Yoshihiko

Yoshihiko discloses a blood-collecting device having hollow needles made of silicon nitride. The needles have a length of 495 μm . There is no disclosure or suggestion of a microneedle having a length *between 500 μm and 1 mm*.

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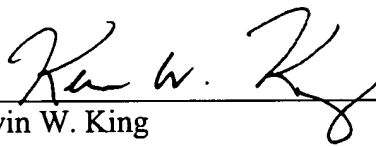
Allen

The disclosure in Allen relied upon by the Examiner is applicants' own work; that is, the work of Mark G. Allen and Mark R. Prausnitz, who are named inventors in both the Allen patent and the present application. The present RCE Request includes a request for a suspension of action so that an affidavit or declaration under 37 C.F.R. 1.132 can be prepared and submitted to show that the relevant disclosure is applicant's own work.

This showing will remove Allen as a 102(e) reference (*see* M.P.E.P. § 2136.05), thereby traversing all rejections that rely on Allen.

The claims as amended are thus novel and non-obvious over the prior art of record. Allowance of claims 1-46 is therefore earnestly solicited.

Respectfully submitted,



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Version with Markings to Show Changes to the Claims

1. (Twice amended) A device for collecting a sample of a biological fluid comprising:
one or more hollow or porous microneedles, each having a base end and a tip,
wherein the microneedle has a length between [about] 500 μm and 1 mm and a width between
about 1 μm and 500 μm ;
a substrate to which the base of the microneedle is attached or integrated, wherein
the microneedle is perpendicular to or extends at an angle from a surface of the substrate; and
at least one collection chamber which is selectably in fluid communication with
the base end of the microneedle.